

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

**ELECTRONIC FILING PROCEDURES
FOR CIVIL AND CRIMINAL CASES**

	Page
I. THE ELECTRONIC RECORD	
A. Introduction	1
B. Definitions and Standards	2
II. ENROLLING IN THE CM/ECF SYSTEM	
A. Registration	3
B. Logins and Passwords	3
C. Changes	4
III. FILING DOCUMENTS ELECTRONICALLY	
A. General Provisions	4
B. Civil Complaints	4
C. Issuance of Summons	5
D. Service	6
E. Motions and Related Paperwork	7
F. Administrative Records	7
G. Exhibits	7
H. Transcripts	8
I. Signatures	8
J. Orders and Proposed Orders	10
K. Docket Entries	12
L. Fees Payable to the Clerk	12
M. Emergency Filings	12
IV. PRIVACY AND CONFIDENTIALITY	
A. Sealed Documents and Cases	13
B. Privacy Concerns	13
V. TECHNICAL FAILURES	
A. On the Part of the Court	13
B. On the Part of the Filer	14
VI. PUBLIC ACCESS TO DOCKET INFORMATION	
A. At the Court	14
B. Through the Internet	14
C. Conventional and Certified Copies	15

Attachments

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

**ELECTRONIC FILING PROCEDURES
FOR CIVIL AND CRIMINAL CASES**

I. THE ELECTRONIC RECORD

A. Introduction

The official record of the court shall be the electronic file maintained on the court's servers. This includes information transmitted to the court in electronic format, as well as in paper form.

- The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures, except as otherwise provided in these procedures.
- If pleadings are filed in paper form, the court will convert the documents to an electronic format, destroy the paper version, and maintain the electronic version as the court's official record.
- If pleadings are filed in paper form, it is the responsibility of the filer to ensure that the paper document can be scanned with a legible image. The court encourages such documents to be black print on white paper, for maximum contrast. The court may return filings that are not legible.
- A filing party who wishes to have an original pleading returned after scanning and uploading to ECF may, prior to submitting the document to the court, seek authorization from the assigned judge for the document's return.

Such authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original pleadings filed by an attorney, pro se litigant, or office will be allowed.

If an original pleading has some intrinsic value, the filing party

is encouraged to retain the original and submit a copy to the Clerk's Office for scanning and uploading.

A judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

B. Definitions and Standards

"CM/ECF" refers to Case Management/Electronic Case Files, which is the docketing and filing system used by the Western District of Washington.

"Electronic document" is an electronic version of information otherwise filed in paper form.

- An electronic document has the same legal effect as a paper document.
- An electronic document is deemed filed when it is received by the court's CM/ECF system. If time of day is of the essence, the assigned judge will order the document filed by a time certain.
- Motions and motion-related papers, including responses and replies, are due no later than 5:00 PM (Pacific Time) on the deadline date.
- A document filed with the court in paper form is deemed filed when it is date-stamped by the Clerk's Office.

"Electronic filing" is the electronic transmission of a .pdf document to the court for case processing by uploading the document directly from the user's computer, using the court's CM/ECF system, to file that document in the case file. It includes the transmission of .pdf documents and scanned images.

- **.pdf:** A document created with almost any word processing program can be converted to .pdf. The .pdf conversion program, in effect, takes a picture of the original document so the converted document can be opened across a broad range of hardware and software, with layout, format, links, and images intact.
- **Scanning:** When scanning documents to be subsequently filed

electronically, filing parties are encouraged to configure their scanners for black and white at 200 dpi, rather than color scanning, unless color is an important aspect of the document. The filing party is responsible for the legibility of the scanned image.

“Electronic signature” refers to the fact that an electronic document is deemed signed when filed by an attorney, pro se litigant, judicial officer, or deputy clerk using a valid Western District of Washington login and password.

“Notice of Electronic Filing” is an e-mail verification of the court’s receipt of the electronic pleading, as well as official notice of the filing to all other parties. The Notice includes the text of the docket entry, as well as a link to the filed document(s).

II. ENROLLING IN THE CM/ECF SYSTEM

A. Registration

Each person wishing to participate in the electronic filing system must first complete and sign a Registration Form. A copy is attached to this write-up, and the form is also available on the court’s web site at www.wawd.uscourts.gov. The court will issue logins and passwords to attorneys in good standing or pro se litigants with cases pending before the court. Attorneys admitted pro hac vice may also register with this program.

Registration constitutes consent to electronic service of documents, as provided in these procedures, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

All signed, original Registration Forms shall be mailed or delivered to the Clerk’s Office, William K. Nakamura U.S. Courthouse, 1010 Fifth Avenue, Room 215, Seattle, WA 98104.

To ensure that the court has correctly entered an electronic filer’s e-mail address in the CM/ECF system, the Clerk’s Office will send the filer an Internet e-mail message after assigning a login and password. The Clerk’s Office will then mail the login and password information to the filer, or the filer may arrange to pick up the login and password at the Clerk’s Office.

B. Logins and Passwords

Each person registered to file electronically will be given one ECF login and password from the court. The login and password permit the person to participate in the electronic filing and retrieval of pleadings and other papers.

Each registered user is responsible for all documents filed with this login and password. No one shall knowingly permit, or cause to permit, a login and password to be used by unauthorized persons. Conversely, no one shall use the login and password of another without explicit authorization.

C. Changes

A participant whose e-mail address, mailing address, or telephone number has changed from that on the original Registration Form shall timely file a notice of change of address (or number) with the court and serve a copy of the notice on all other parties.

Participants may change their passwords as they deem appropriate.

If a participant believes that the security of an existing login and password has been compromised and that a threat to ECF exists, he or she shall immediately notify the Clerk's Office by telephone. Court computer staff will assess the threat and advise appropriately.

Participants may withdraw from ECF by providing the Clerk's Office with a notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk's Office. Upon receipt, the Clerk's Office will immediately cancel the login and password and delete the person's name from any applicable electronic service lists.

III. FILING DOCUMENTS ELECTRONICALLY

A. General Provisions

Parties are encouraged to file all documents electronically through ECF. The limited number of exceptions, which require special handling, are described below.

B. Civil Complaints

Civil complaints and cover sheets may not be filed by attorneys using ECF. Civil complaints and cover sheets may, however, be sent by e-mail, by U.S. mail, or delivered on paper or disk to the Clerk's Office for processing and posting by Clerk's Office staff to CM/ECF.

If using the U.S. mail or if personally delivered, the Clerk's Office will scan the civil complaint and cover sheet, upload them to ECF, then discard the paper documents. The filing fee must accompany the complaint.

If using e-mail, the filing party must submit the civil complaint and cover sheet in .pdf format. Upon receipt of the e-mail, the Clerk's Office will contact the filing party to make arrangements for payment of the filing fee. New cases will not be filed until the filing fee has been paid.

- The e-mail addresses for submitting civil complaints by e-mail are:
newcases.seattle@wawd.uscourts.gov and
newcases.tacoma@wawd.uscourts.gov
- Only new civil complaints, cover sheets, and summons forms may be sent to the e-mail addresses listed above. If other pleadings are sent to these e-mail addresses, the Clerk's Office will call the filing party and explain that the pleading must be electronically filed in ECF.

New civil cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.

A party may not electronically serve a civil complaint, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure.

C. Issuance of Summons

Summons to be issued may be presented to the court by e-mail, by U.S. mail, or delivered in person to the Clerk's Office. The party requesting the issuance of summons must complete the top portion of the summons form.

- **If sending the summons by e-mail**, send them to the "newcases" e-mail addresses listed in the previous section.
- **If sending the summons by U.S. mail**, also submit a stamped, self-addressed return envelope.

Once the summons has been issued, the Clerk's Office will return the summons in paper form to the filing party.

A party may not electronically serve a summons, but instead must perfect service according to Rule 4 of the Federal Rules of Civil Procedure.

Affidavits of service, which may include executed summons, may be filed electronically through ECF.

D. Service

A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate may be filed electronically, and must state the manner in which service was accomplished on each party. Sample language for a certificate of service is attached to these procedures.

The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.

Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate an e-mail "Notice of Electronic Filing" to the filing party and to any other party who is a registered user.

- If the recipient is a registered participant in ECF, the e-mailing of the Notice of Electronic Filing shall be the equivalent of service by first class mail.

- If the recipient is not a registered participant in ECF, service of the Notice of Electronic Filing, as well as of the underlying document, must be made by the filer in paper form according to the Federal Rules.

Whenever a pleading or other paper is filed in paper form for the Clerk's Office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case.

- Although the Clerk's Office attempts to be as timely as possible in scanning and uploading paper documents, filers should remember that it may be 24 to 48 hours before these activities are completed.

If the filer doesn't know whether another party is a registered ECF user:

- Select ECF's "Utilities" category.
- Select "Mailing Information for a Case" on the pull-down menu.
- Enter the case number and the information will appear.

E. Motions and Related Paperwork

Time constraints on motions:

- The daily filing deadline for motions, responses, replies, and supporting documents shall be 5:00 PM Pacific Time. Any above-referenced document filed after 5:00 PM Pacific Time shall be deemed to have been filed on the following day.

Captions on documents:

- Documents being submitted in response to, in support of, or in opposition to other documents shall be clearly labeled with the reference to the motion or response included in the caption.

Pagination:

- Voluminous documents, including exhibits, shall be sequentially paginated in their entirety, with the page numbers appearing in the

lower left margin of the document.

F. Administrative Records

Administrative records may not be filed electronically, although the other documents and pleadings filed in cases with administrative records may be filed electronically.

- The administrative record must be filed conventionally and will not be scanned by the Clerk's Office.
- The party filing an administrative record shall also file a Notice of Filing Paper Materials with the Clerk. The Notice shall be in the form provided by the court, a copy of which is attached to these materials and is also available on the court's web site.
- Pursuant to Civil Local Rule 79, the administrative record will be returned to counsel upon the conclusion of the case.

G. Exhibits

Exhibits are encouraged to be filed electronically:

- Filing parties shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts do so without prejudice to their right to timely file additional excerpts of the exhibit. Responding parties may also timely file additional excerpts of the exhibit that they believe are directly germane.
- If possible, filing parties should scan paper exhibits that are less than two megabytes and submit the exhibit as a .pdf file. Parties may submit scanned .pdf files of more than two megabytes if they are filed in two-megabyte segments.
- If possible, filing parties should scan documents in black and white, rather than in color, unless the color is an important feature of the information.

- The filing party is required to verify the readability of scanned exhibits before filing them electronically with the court.

Conventionally-filed exhibits:

- Copies of conventionally-filed exhibits shall be served on other parties as if not subject to electronic filing procedures.
- Non-documentary and oversized exhibits shall be submitted conventionally and shall be returned at the conclusion of the case.

H. Transcripts

Transcripts, prepared by court reporters (either court staff or contract reporters) shall be filed electronically.

I. Signatures

Attorney signatures: An electronically filed pleading or other document which requires an attorney's signature shall be signed in the following manner:

s/ John Attorney
State Bar Number 12345
ABC Law Firm
123 South Fifth Street
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John_Attorney@lawfirm.com

Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

Non-attorney signatures: If the original document requires the signature of a non-attorney, the filing party may use the format described for attorney signatures, or may scan the signed paper, or may submit the signed document in paper form. The filing party or the Clerk's Office will scan signed documents, then electronically file them using ECF.

- The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.
- Any party challenging the authenticity of an electronically filed document with a non-attorney signature, or the authenticity of that signature on the document, must file an objection to the document within ten days of receiving the Notice of Electronic Filing.
 - If the document with a non-attorney signature is filed electronically, the filing party is responsible for maintaining the paper document with original signatures for the ten-day challenge period.
 - If the document with a non-attorney signature is filed in paper form, then scanned and uploaded by the court, the court is responsible for maintaining the original paper document for the ten-day challenge period. After ten days, the court will discard the paper copy.

Multiple signatures: The following procedure applies when a stipulation or other document requires two or more signatures:

- The filing party shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall obtain either physical signatures or authorization for the electronic signatures of all parties on the document. Physical, facsimile, or electronic signatures, consistent with the formats for attorney signatures, are permitted.
- The filing party may then file the document electronically, indicating the signatories as "s/ Jane Doe," "s/ John Smith," etc. The correct format for a signature is the same as that previously described for attorneys' signatures.
- Any party challenging the authenticity of an electronically filed document containing multiple signatures, or the authenticity of the signatures themselves, must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

- If any of the signatures are of non-attorneys, then the provisions described in the previous section for retaining the paper copy for ten days also applies.

J. Orders and Proposed Orders

Orders of the court:

- The assigned judge or the Clerk's Office shall electronically file all signed orders. An order signed electronically (by either a digital signature or by using the "s/ Judge's Name" convention) has the same force and effect as if the judge had affixed a signature to a paper copy of the order.
- The assigned judge or the Clerk's staff, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue, and the text-only entry shall constitute the court's only order on the matter. ECF will generate a "Notice of Electronic Filing" as described previously in these procedures.
- When mailing paper copies of an electronically filed order to a party who is not a registered ECF participant, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

Proposed orders may be submitted as outlined below:

- Electronically-submitted proposed orders may be filed with the motion as an attachment. This will provide service of the proposed order to all registered parties.
- All proposed orders must be submitted in a format compatible with WordPerfect. This can be done with the "Save As" option available in most word processing software. The court will not accept proposed orders in .pdf format.
- A proposed order should also be attached as a WordPerfect-compatible file to an internet e-mail sent to the e-mail address of the assigned judge. This will enable the judge to edit the proposed order, if the judge so wishes. The judges' e-mail addresses **for proposed**

orders only are as follows:

CoughenourOrders@wawd.uscourts.gov
RothsteinOrders@wawd.uscourts.gov
ZillyOrders@wawd.uscourts.gov
BurgessOrders@wawd.uscourts.gov
LasnikOrders@wawd.uscourts.gov
PechmanOrders@wawd.uscourts.gov
LeightonOrders@wawd.uscourts.gov
McGovernOrders@wawd.uscourts.gov
TannerOrders@wawd.uscourts.gov
DimmickOrders@wawd.uscourts.gov
BryanOrders@wawd.uscourts.gov
ArnoldOrders@wawd.uscourts.gov
MartinezOrders@wawd.uscourts.gov
BentonOrders@wawd.uscourts.gov
StrombomOrders@wawd.uscourts.gov
TheilerOrders@wawd.uscourts.gov

- Proposed orders on motions for default made pursuant to Civil Local Rule 55 should be prepared in a format compatible with WordPerfect (as described previously) and then attached to an internet e-mail sent to the Clerk's Office at the following e-mail address:

WAWDClerk@wawd.uscourts.gov

No other documents or pleadings may be sent to the Clerk's Office at this e-mail address.

K. Docket Entries

The party electronically filing a pleading or other document is responsible for designating a docket entry title for the document by using one of the event categories prescribed by the court. (See "CM/ECF Civil Menu for Attorneys" or "CM/ECF Criminal Menu for Attorneys" on the court's web site).

Once a document is submitted and becomes part of the electronic case file, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filing party to make changes once the transaction has been

accepted.

- As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested.
- If appropriate, the Clerk's Office will make an entry indicating that the document was filed in error.
- The filing party will be advised if the document needs to be re-filed.

L. Fees Payable to the Clerk

Any fee required for filing a pleading or paper in district court is payable to the Clerk of the Court by credit card, check, money order, or cash.

- The Clerk's Office will document the receipt of fees on the docket with a text-only entry.
- The court will not maintain billing or debit accounts for lawyers or law firms.

M. Emergency Filings

The court encourages the electronic filing of emergency pleadings. The filer shall call the Clerk's Office at 206-553-5598 (Seattle) or 253-593-6313 (Tacoma) to advise the court of the emergency nature of the filing.

IV. PRIVACY AND CONFIDENTIALITY

A. Sealed Documents and Cases

Sealed documents and cases will be maintained in electronic format, with access restricted to authorized filers and court staff.

B. Privacy Concerns

To address privacy concerns created by internet access to court documents, filers should redact certain personal information appearing in pleadings and other papers, as follows:

- Minors' names: Use only the minors' initials.
- Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four digits of the account number.
- Social Security numbers: Use only the last four digits.
- Dates of birth: Use only the year.
- Other sensitive data: Follow the court's instructions.

For further information, see the General Order In Re: Public Access to Electronic Case Files on the court's web site.

V. TECHNICAL FAILURES

A. On the Part of the Court

A party whose filing is untimely as the result of a technical failure of the court's CM/ECF site may seek appropriate relief from the court.

The court shall consider its CM/ECF site to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any given day. Known systems outages will be posted on the court's web site.

B. On the Part of the Filer

Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under these procedures, nor excuse an untimely filing.

A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

VI. PUBLIC ACCESS TO DOCKET INFORMATION

A. At the Court

Electronic access to the civil and criminal electronic dockets and documents filed in ECF are available for viewing at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic or paper copy is required in accordance with 28 USC § 1930.

B. Through the Internet

Remote electronic access to civil and criminal dockets and to civil documents in ECF is provided through the Public Access to Court Electronic Records (PACER) system. Public access to criminal documents is not available through PACER to anyone other than participants in the case. Non-participants can access criminal dockets and documents in the Clerk's Office.

Registration for PACER can be done through its web site:

<http://pacer.psc.uscourts.gov>

The U.S. Judicial Conference has ruled that PACER user fees will be charged for remotely accessing documents and docket sheets. Non-judiciary CM/ECF users are charged a per-page fee access electronic data through the PACER system, with a maximum fee of 30 pages per document.

The standard PACER access fee does not apply to official recipients of electronic documents; i.e., parties legally required to receive service or to whom service is directed.

- Official recipients will receive the initial electronic copy of a document free to download as they see fit.
- If official recipients remotely access the document again, they will be charged a fee pursuant to 28 USC § 1930.

C. Conventional and Certified Copies

Both conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will

be in accordance with 28 USC § 1914.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____ (Date) ____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:_____.

s/_____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on ____ (Date) ____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:_____.

s/_____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

Case No. _____

**NOTICE OF FILING PAPER
MATERIALS WITH THE CLERK**

_____ (document) is being filed in paper form only with the Clerk's Office for the Western District of Washington. The document will remain in the Clerk's custody until appropriate disposition pursuant to the Local Rules of the Western District of Washington.

DATED this ____ day of _____, _____.

s/ _____

Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address